

EXHIBIT NO. 1

8
10-18-08

Docket Item #5
SPECIAL USE PERMIT #2008-0063

Planning Commission Meeting
October 7, 2008

ISSUE: Consideration of a request for a special use permit amendment to allow live entertainment at an existing restaurant.

APPLICANT: 1106 King Restaurant, LLC
by David Chamowitz, attorney

STAFF: Nathan Randall
nathan.randall@alexandriava.gov

LOCATION: 1106 King Street

ZONE: KR/King Street Retail

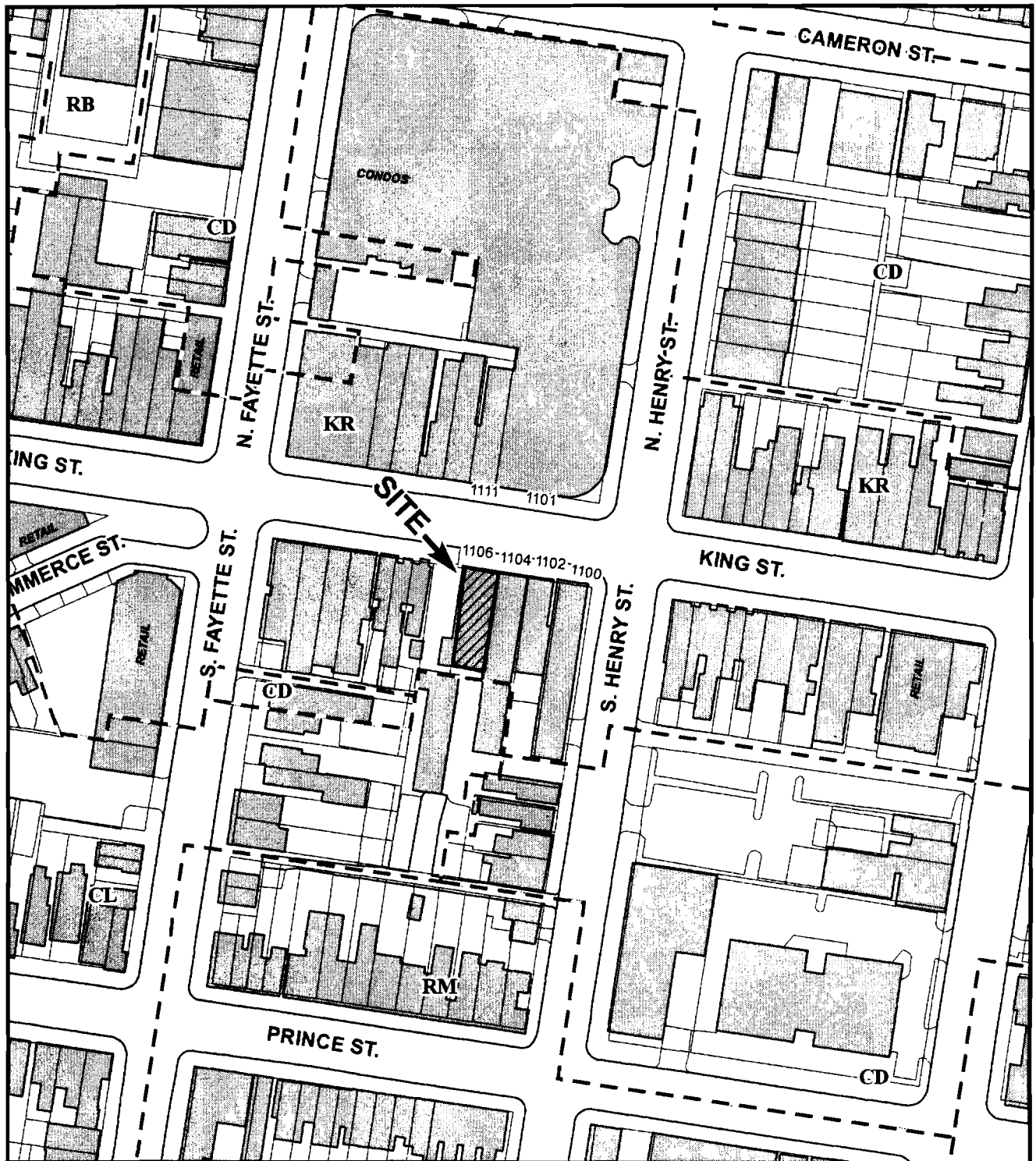
PLANNING COMMISSION ACTION, OCTOBER 7, 2008: On a motion by Mr. Komoroske, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations, with an amendment to condition #10. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission generally agreed with the staff analysis but recommended removing a portion of the amended condition #10 to afford the applicant greater flexibility with its proposed live entertainment.

Speakers:

Rodger Digilio, 1115 King Street, spoke about violations of SUP conditions and other codes at this facility with respect to employee parking, parking in front of an existing, unused curb-cut, and direct discharge of soapy water into the storm sewer. While not expressly against the specific request to add live entertainment, he was skeptical that the restaurant would comply with noise requirements in the future.

David Chamowitz, representing the applicant, expressed his support for the proposal. He noted that the restaurant owner has recently executed a new off-street parking contract. He asked the Commission to consider removing the staff recommendation in amended condition #10 prohibiting microphones and requiring that any live entertainment be acoustic only. He also asked the Commission for clarification regarding condition #39 and asked the Commission to include a sunset provision in condition #7.



SUP #2008-0063

10/07/08



I. DISCUSSION

REQUEST

The applicant, 1106 King Restaurant LLC, requests a special use permit amendment to allow live entertainment at the restaurant located at 1106 King Street.

SITE DESCRIPTION

The subject property is two lots of record, each with 25 feet of frontage on King Street, 84 feet of depth and a total lot area of approximately 2,100 square feet. The two lots are jointly developed with a three-story building used as a restaurant and a patio for outdoor seating.



The surrounding area is occupied by commercial, office, and residential uses. Immediately to the north are a home furnishings store, an art gallery, and an office building with tenants including the American Society of Travel Agents. To the south is a residential townhouse community. To the east is an empty retail space expected to become a bead shop and to the east of that is a jewelry shop. To the west is a vacant commercial space.

BACKGROUND

On September 14, 1985, City Council granted Special Use Permit #1817 for the operation of a restaurant. Since the approval of SUP#1817, there have been several other special use permits granted for the 1106 King Street location, including:

Date Granted	SUP#	Request
5/18/1996	96-0020	To add outdoor seating to an existing restaurant
9/24/2002	2002-0049	Change of Ownership
11/16/2002	2002-0079	Change in Hours of Operation
6/12/2004	2004-0037	To add 15 additional outdoor seats
10/5/2006	2006-0079	Change of Ownership
1/20/2007	2006-0107	Increase Hours of Operation

PROPOSAL

The applicant requests deletion of Condition #10 of SUP#2006-0107 so that it may offer live entertainment at the subject restaurant. The nature of the live entertainment is proposed as live background music and would be performed as often as seven days/week, from 9:00am to 1:00am.

Restaurant Hours: 7:00am to 1:00am, seven days/week

Number of seats: 108 Indoor Seats
45 Outdoor Seats
153 Total Seats

Entertainment: Live background music is proposed on the second floor of the restaurant. The proposed entertainment hours would be up to seven days/week, from 9:00am to 1:00am.

Noise: The addition of live entertainment has the potential for creating a noise impact.

Trash/Litter: No additional trash/litter impact is expected.

PARKING

According to Section 8-300 (B) of the Zoning Ordinance, parking provisions do not apply to restaurants located within the Central Business District. However according to condition #37, the applicant shall participate in any organized program to assist with both employee and customer parking, and condition #26 requires employees to park off-street and/or provide employees who use mass transit with subsidized bus and rail fare media. In addition, the applicant will maintain an existing parking agreement for 33 parking spaces located at a nearby parking lot, per condition #7.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the KR/King Street Urban Retail zone. Section 6-702 (A)(2) of the Zoning Ordinance allows a restaurant in the KR/King Street Urban Retail zone only with a Special Use Permit.

The proposed use is consistent with the King Street Retail Strategy chapter of the Master Plan.

BOARD OF ARCHITECTURAL REVIEW

The location of the restaurant is within the jurisdiction of the Old and Historic Board of Architectural Review. Since the applicant is not proposing any exterior changes to the building, the applicant is not required to file with the BAR for review. However, if there are any exterior changes to the building that are visible from the public right-of-way, the applicant will be required to file an application for review of the modifications with the Old and Historic Board of Architectural Review.

II. STAFF ANALYSIS

Staff supports the applicant's request to remove Condition #10 of SUP2006-0107 to allow live entertainment at the restaurant. Generally speaking, a moderate amount live entertainment at restaurants on King Street is an appropriate use that has been permitted at various restaurant locations in Old Town.

A survey of other restaurants in Old Town reveals that, in addition to certain grandfathered restaurants, Vermillion and Rock-It Grill are restaurants with special use permits that are permitted to have live entertainment until at least 1:00am. In the case of Vermillion, which is located in the same block as Le Gaulois, live entertainment is allowed until 1:00am and conditioned to be live background music for the enjoyment of restaurant patrons only.

Staff notes that Le Gaulois is closer to residential townhouses than Vermillion. In order to reduce any potential noise impact on neighboring residents, staff has recommended a number of conditions. Staff has included the same condition as Vermillion, allowing live entertainment only as live background music for restaurant patrons. Staff has conditioned that live entertainment shall not occur in any outdoor dining area, that the music must be acoustic only and not amplified, and that no cover charge shall be assessed. Finally, staff has also recommended a six-month review condition that will further help identify and address any noise impacts, should they arise.

Staff recommends approval of the applicant's special use permit request, subject to the conditions listed in Section III of this report.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP #1817)
2. Seating shall be provided inside for no more than 108 patrons. (P&Z) (SUP #96-0020)
3. Outside dining facilities shall be provided for no more than 30 patrons on the patio to the west of the building. An additional 15 seats may be added if and when the applicant has satisfied all of the Code Enforcement requirements in Conditions #28 through #32. (P&Z) (SUP#2004-0037)

4. Hours of operation shall be limited to between 7:00 am-1:00 am daily. (P&Z) (SUP #2006-0107)
5. Trash and garbage shall be stored inside or in dumpsters which are fully enclosed within a refrigerated storage container at the rear of the property. Trash and garbage shall only be removed from the storage container for the purposes of collection and cleaning. (King Henry Court Owners Association) (SUP #96-0020)
6. Condition deleted. (SUP #96-0020)
7. The applicant shall provide a minimum of 33 off-street parking spaces within 500 feet of the site to accommodate restaurant patrons after the normal working hours in the evenings to the satisfaction of the Director of Planning and Zoning. On each anniversary of the approval of the special use permit, the applicant shall provide to the Director of Planning and Zoning copy of (1) the lease or other arrangement by which the applicant makes off-street parking available for customers and employees, (2) the materials advertising such off-street parking, and (3) a report concerning the utilization of off-street parking subsidies by the restaurant's patrons. (P&Z) (SUP #96-0020)
8. There will be no through vehicular traffic via the alley from Fayette Street. (PC) (SUP #1817)
9. Condition deleted by staff. (P&Z) (SUP #2006-0107)
10. **CONDITION AMENDED BY PLANNING COMMISSION & STAFF: Live entertainment shall be permitted only to provide background ambient music to restaurant patrons during the hours of 9:00am to 1:00am. Live entertainment shall be limited to inside the restaurant only, and shall not be permitted in any outdoor seating area. Live entertainment shall be limited to acoustic, non-amplified music. Microphones shall not be used. Advertising that features entertainment as a destination is prohibited. No admission or cover fee shall be charged. (PC)(P&Z) No live entertainment shall be provided at the restaurant. (P&Z) (SUP #96-0020)**
11. The hours of operation for the outdoor dining area shall be limited to 11:30 A.M. to 10:00 P.M. Sunday through Thursday, and limited to 11:30 A.M. to 11:00 P.M. Friday and Saturday. No meals may be served after 9:30 P.M. Sunday through Thursday and after 10:30 P.M. Friday and Saturday and the patio shall be closed and cleaned by 10:00 P.M. Sunday through Thursday and 11:00 P.M. Friday and Saturday. (P&Z) (PC) (SUP#2002-0079)
12. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #96-0020)

13. Alcoholic beverages may be sold for on-premises consumption only. (P&Z) (SUP #96-0020)
14. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #96-0020)
15. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #96-0020)
16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #96-0020)
17. Loudspeakers shall be prohibited from the exterior of the building, and no music or amplified sound shall be audible at the property line. (T&ES) (SUP#2002-0079)
18. Condition deleted by staff. (P&Z) (SUP #2006-0107)
19. Condition deleted. (City Council) (SUP#2002-0079)
20. The applicant shall (a) advertise the availability of off-street parking by including such notice in any advertising; (b) urge patrons who drive to use the space; and (c) post signs at the restaurant directing patrons to the availability of such parking. (P&Z) (SUP #96-0020)
21. Condition deleted by staff. (P&Z) (SUP #2006-0107)
22. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit six months after approval, and again one year after approval, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation of the permit conditions, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)
23. Condition deleted by staff. (P&Z) (SUP #2006-0107)

24. The wooden door shall be kept closed at all times while the outdoor dining area is open, except for purposes of taking deliveries during daylight hours. (King Henry Court Owners Association) (SUP #2006-0107)
25. The applicant shall control cooking odors and smoke from the property to prevent them from leaving the property, or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP # 2002-0049)
26. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (P&Z) (T&ES) (SUP #2006-0107)
27. The applicant shall conduct employee training session on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and to provide instruction preventing underage sales of alcohol. (P&Z) (SUP#2004-0037)
28. The applicant shall submit a seating plan that accurately reflects the conditions at the site along with the proposed seating arrangement. (Code Enforcement) (SUP#2004-0037)
29. A clear, unobstructed path measuring no less than 44 inches is required to be maintained from the building exit, through the courtyard to the approved exits to the public way. The pathway shall remain clear of tables, chairs and planters at all times. The approved pathway shall be designated by the applicant and approved by the Director of Code Enforcement. (Code Enforcement) (SUP#2004-0037)
30. A secondary exit from the courtyard shall comply with the USBC, remain free of obstructions and be properly illuminated at all times. The aforementioned shall include the exit door, pathway to the alley, and the alley leading to the public way. (Code Enforcement) (SUP#2004-0037)
31. Front gates of the courtyard shall remain unlocked and held in the open position at all times the building is occupied. (Code Enforcement) (SUP#2004-0037)
32. Any encroachment from any other structure that impacts the courtyard, requires a new review of the courtyard seating shall be revisited for compliance with the USBC. (Code Enforcement) (SUP#2004-0037)
33. Approval of this special use permit is contingent upon the applicant's compliance with all Code requirements for the outdoor seating area. (P&Z) (SUP#2004-0037)

34. The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES) (SUP#2006-0107)
35. Meals ordered before the closing hour may be served, but no new patrons may be admitted, and all patrons must leave by one hour after the closing hours. (P&Z) (SUP#2006-0107)
36. Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES) (SUP#2006-0107)
37. The applicant shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Study. (P&Z) (SUP#2006-0107)
38. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP#2006-0107)
39. **CONDITION ADDED BY STAFF: Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)**

STAFF: Richard Josephson, Deputy Director, Department of Planning and Zoning;
Nathan Randall, Urban Planner.

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- F-1 Litter Control Fund payment required by SUP2006-0107 not paid. (T&ES)
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
- R-2 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-3 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-4 Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-5 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES) (SUP2006-0107)
- R-6 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- R-7 Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES) (SUP2006-0107)
- R-8 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized

bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES) (SUP2006-0107)

- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (SUP2006-0107)
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)

Code Enforcement:

- F-1 No Comment

Health Department:

- F-1 No Comment

Parks and Recreation:

- F-1 No Comment

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for all employees.
- F-1 The applicant is seeking an "ABC On" license only. The Police Department has no objections.
- F-2 As long as the applicant adheres to condition #10 and not have any live entertainment beyond what has been specified by Planning & Zoning, the Police Department has no objections to the live entertainment.



APPLICATION
SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2008-0063

PROPERTY LOCATION: 1106 King Street

TAX MAP REFERENCE: 074.01-04-09 **ZONE:** CD/KR

APPLICANT:
Name: 1106 King Restaurant, LLC

Address: 1106 King Street, Alexandria, VA

PROPOSED USE: Full-Service Restaurant

XTHE UNDERSIGNED, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

XTHE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

XTHE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

XTHE UNDERSIGNED, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

David L. Chamowitz, Attorney
Print Name of Applicant or Agent

Signature

July 28, 2008
Date

307 N. Washington Street
Mailing/Street Address

703 836 5757
Telephone #

703 548 5443
Fax #

Alexandria, VA 22314
City and State Zip Code


d.l.c.hcgk@verizon.net
Email address

ACTION-PLANNING COMMISSION: _____ **DATE:** _____
ACTION-CITY COUNCIL: _____ **DATE:** _____

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 1106 King Street, I hereby
(Property Address)
grant the applicant authorization to apply for the Full-Service Restaurant use as
(use)
described in this application.

Name: 1106 King Street, LLC by David L. Chamowitz Phone: _____
Please Print
Address: 1106 King Street, Alexandria, VA 22314 Email: _____

Signature:  Date: _____

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

Required floor plan and plot/site plan attached.

Requesting a waiver. See attached written request.

2. The applicant is the (check one):
 Owner
 Contract Purchaser
 Lessee or
 Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

Joerg-Uwe Szipl, 100%, 2300 Ninth Street South, PH-1, Arlington, VA 22204

SUP # 2008-00a3

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- Yes.** Provide proof of current City business license
- No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

This request is for the amendment of Condition #10 of approved SUP#2006-0107, to allow live
entertainment. It is anticipated that background music will be performed in the second-floor wine bar area
several evenings per week, though the applicant does not wish to limit its request to those terms at this
time. The applicant expects that no noise will be audible at the property line, as currently required by
Condition #17 of the current SUP.

No other changes are requested.

USE CHARACTERISTICS

4. The proposed special use permit request is for (*check one*):
- a new use requiring a special use permit,
 - an expansion or change to an existing use without a special use permit,
 - an expansion or change to an existing use with a special use permit,
 - other. Please describe: _____

5. Please describe the capacity of the proposed use:
- A. How many patrons, clients, pupils and other such users do you expect?
Specify time period (i.e., day, hour, or shift).
- _____
- _____
- _____

- B. How many employees, staff and other personnel do you expect?
Specify time period (i.e., day, hour, or shift).
- _____
- _____
- _____

6. Please describe the proposed hours and days of operation of the proposed use:
- | | |
|-------|--------|
| Day: | Hours: |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

7. Please describe any potential noise emanating from the proposed use.
- A. Describe the noise levels anticipated from all mechanical equipment and patrons.
- _____
- _____

- B. How will the noise be controlled?
- _____
- _____

8. Describe any potential odors emanating from the proposed use and plans to control them:

No change from current SUP #2006-0107

9. Please provide information regarding trash and litter generated by the use.

A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)

No change from current SUP #2006-0107

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

No change from current SUP #2006-0107

C. How often will trash be collected?

No change from current SUP #2006-0107

D. How will you prevent littering on the property, streets and nearby properties?

No change from current SUP #2006-0107

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

No change from current SUP #2006-0107

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

No change from current SUP #2006-0107

12. What methods are proposed to ensure the safety of nearby residents, employees and patrons?

No change from current SUP #2006-0107

ALCOHOL SALES

13.

A. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

No change from current SUP #2006-0107

PARKING AND ACCESS REQUIREMENTS

14. A. How many parking spaces of each type are provided for the proposed use:

- _____ Standard spaces No change from current SUP #2006-0107
- _____ Compact spaces
- _____ Handicapped accessible spaces.
- _____ Other.

<p>Planning and Zoning Staff Only</p> <p>Required number of spaces for use per Zoning Ordinance Section 8-200A _____</p> <p>Does the application meet the requirement?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

B. Where is required parking located? *(check one)*

on-site

off-site

If the required parking will be located off-site, where will it be located?

PLEASE NOTE: Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

Parking reduction requested; see attached supplemental form

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are available for the use? No change from current SUP #2006-0107

<p>Planning and Zoning Staff Only</p> <p>Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____</p> <p>Does the application meet the requirement?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
--

B. Where are off-street loading facilities located? _____
No change from current SUP #2006-0107

C. During what hours of the day do you expect loading/unloading operations to occur?
No change from current SUP #2006-0107

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
No change from current SUP #2006-0107

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?
No change from current SUP #2006-0107

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No
Do you propose to construct an addition to the building? Yes No
How large will the addition be? _____ square feet.

No change from current SUP #2006-0107
No change from current SUP #2006-0107

18. What will the total area occupied by the proposed use be? _____ sq. ft. (existing) + _____ sq. ft. (addition if any) = _____ sq. ft. (total)
No change from current SUP #2006-0107

19. The proposed use is located in: (check one)
 a stand alone building
 a house located in a residential zone
 a warehouse
 a shopping center. Please provide name of the center: _____
 an office building. Please provide name of the building: _____
 other. Please describe: _____

No change from current SUP #2006-0107

End of Application

HART, CALLEY, GIBBS & KARP, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

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FAX (703) 548-5443

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OF COUNSEL
CONSTANCE H. PIERCE

RETIRED
ROBERT L. MURPHY, 2001
CYRIL D. CALLEY, 2005

August 22, 2008

Mr. Nathan Randall, Urban Planner II
Department of Planning & Zoning
301 King Street, Suite 2100
Alexandria, Virginia 22314

VIA ELECTRONIC MAIL

RE: Le Gaulois restaurant SUP Application
1106 King Street

Dear Mr. Randall:

You asked via email on August 21st for additional information regarding the scope of our request for an amendment to the existing SUP #2006-0017.

I drafted this application having in mind the Small Business Task Force's recent recommendation that the zoning processes attendant to the modification of business operations be eased in order to avoid the burdens of time, money, and uncertainty. My goal, then, was to create a bit of latitude for Le Gaulois to improve their offerings to the public over time without having to file for formal SUP hearings with each subsequent change. (Indeed, we considered holding off on this request at all until later in the fall when it could perhaps be approved administratively.)

At the same time, however, we have stipulated to the current condition prohibiting music from being audible at the property line, a condition used often throughout the city which I believe effectively protects residential neighborhoods without being overly restrictive to the business operations.

Therefore, as a practical matter, I might suggest that you simply strike Condition #10 and leave Condition #17 as it is. This was the thrust of the language I chose in the initial application.

Mr. Nathan Randall
August 22, 2008
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On the other hand, if you require a formal restatement of the request, our most prudent response would obviously be to attempt to maximize the parameters of your permission up front. It would be foolish to request, for example, a window of 5 p.m. to 10 p.m. on Friday and Saturday nights, only to find out that there is desire among Le Gaulois' patrons for entertainment on Thursday evenings, or Sunday mornings, or some other time we neglected to include in our request. In that instance, we would presumably find ourselves back in this same situation, having to file another formal SUP amendment application and stating strictly our immediate intent.

So, if a specific request is necessary, we would request the ability to have live music any time the restaurant is open to the public, which is seven days per week, from roughly 9 a.m. until 1 a.m.

Please let me know if there is any way in which I can be of further assistance in your review of our application.

Very Truly Yours,



David L. Chamowitz

cc: Joerg-Uwe Szipl (via email)
Rich Josephson (via email)